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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/085,580 | 02/26/2002 | Dane Arr | P01541 | 8985 |
| 28548 7590 04/05/2007 STONEMAN LAW OFFICES, LTD 3113 NORTH 3RD STREET PHOENIX, AZ 85012 | | | EXAMINER RATHINASAMY, PALANI P | |
| | | | ART UNIT 3622 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|-----------------------------------|---------------------------|--|
| Office Action Summary | Application No. 10/085,580 | Applicant(s) ARR, DANE | |
| | Examiner Palani P. Rathinasamy | Art Unit 3622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1, Step b recites the limitation of "placement... [of] advertising display unit in such a manner as to enable mass viewing." The specification does not teach what enabling mass viewing consists of. Therefore, one skilled in the art would not know how to accomplish this step.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10 and 16 recite the limitation "web-cam views". Dependent claims 7, 10, and 16 and independent claim 6 do not adequately describe what this term means.

Examiner is unable to find adequate support in the specification for this term.

Additionally claim 10 cites the limitation "each of a third subset." Examiner is unable to find reference to a second or a first subset in the claim or in the independent claim to which it depends. Claim 16 cites the limitation "each of a second subset" and "each of a

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third subset". Examiner is unable to find reference to a first subset in the claim or in the independent claim to which it depends. Claim 9 cites the limitation "to each of a second subset." Examiner is unable to find reference to a first subset in the claim or in the independent claim to which it depends.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-19 are rejected as lacking utility. To be patent eligible, claims including limitation(s) that set forth subject matter excluded by a judicial exception must be for a practical application. A practical application results if the claimed invention "transforms" an article or physical object to a different state or thing; or if the claimed invention produces a "useful, tangible, and concrete" result. Independent claim 1 teaches of a method for providing a website to purchase and place advertisements, providing assistance to location operators to place advertisement displays, and providing the display unit to customers. This does not result in a useful, tangible, and concrete result; nor is anything transformed. For example, a claim that *would* overcome this deficit would be a method that received the advertisement from the "media buyer" *and* did something with it, such as displaying the advertisement on the screen. Here, there are no adequate method steps in order to produce a "useful, tangible, and concrete" result.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. **Claims 6, 7, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Meyers et al. (US 7,062,469). Meyers et al. teaches of a public wireless network access system whereby users receive free Internet access that is subsidized by a display showing advertisements. (Abstract).**

9. Regarding claim 6, applicant teaches of a system comprising of a computer server, advertising display units, control system to control the display units, and display units that provide Internet access. Meyers et al. teaches of a similar system. Meyers et al. describes a system with a computer server (Fig 2., 28), advertising display units (Fig 2., 12; Detailed Description, Col 7, lines 10-12), control system to control the display units (Detailed Description, Col 7, lines 9-11; Col 6, lines 30-37), and provides Internet access to devices (Fig 3; Summary, Col 2, lines 13-20; Col 4, lines 28-57).

10. Regarding claim 7, applicant teaches that the access system allows connection of "electronic device[s]". Meyers et al. teaches of similar "mobile" devices connecting wirelessly. (Detailed Description, Col 4, lines 28-34; Fig 4).

11. Regarding claim 12, applicant teaches that a software system controls the time and location of messages displayed. Meyers et al. teaches of an advertising server that

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controls time and location. (Detailed Description, Col 7, lines 9-11; Col 6, lines 30-37).

It is inherent that this server comprises of software.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 1-2, 8, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyers et al. (US 7,062,469 B2) in view of Cabral (US 2003/0149601 A1). Meyers et al. teaches of a public wireless network access system whereby users receive free Internet access that is subsidized by a display showing advertisements. (Abstract).**

14. Regarding claim 1, applicant teaches a method of providing a website for media buyers to purchase and place advertising, providing assistance to place advertising displays to enable "mass viewing", and providing Internet access for customers. Meyers et al. teaches of a similar system. Meyers et al. teaches of advertising displays (Summary, Col 2, Line 46; Fig 4) that are placed at various areas around the store, such as near the cash register, on the floor, on a shelf, or on a wall (ie. mass viewing)(Detailed Description, Col 7, lines 35-42). Meyers et al. also teaches that these displays provide Internet access to customers. (Fig 3; Summary, Col 2, lines 13-20; Col

4, lines 28-57). Meyers et al. teaches that the advertisements that are displayed are stored on an advertising server.

Meyers et al. does not explicitly teach of providing a website for the advertiser to purchase and place advertisements on the display. Cabral teaches of providing a website for advertisers so that they can upload their advertisements, pay, reserve space for display, and manage the schedule for displaying of ads. (Summary of the Invention, [0010], [0011], [0017]; Fig 4.). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to provide a website for advertisers to use in order to purchase and place advertisements. One would have been motivated to do so to give advertisers a flexible medium for managing their advertisements that are stored on the advertising server.

15. Regarding claim 2, applicant further teaches of providing a "wireless electronic connectivity system." Referring to applicant's specification, applicant teaches that this consists of the advertising display unit being able to couple to electronic devices. (US 2003/0163369, [0063]; Fig 3). Meyers et al. teaches of similar "mobile" devices connecting wirelessly. (Detailed Description, Col 4, lines 28-34; Fig 4.).

16. Regarding claim 8, applicant teaches that a person can control the time and location of advertisements on the display. Meyers et. al teaches of a remote control to allow the operator at the location to control the display unit. (Detailed Description, Col 7, lines 54-67). Meyers et al. also teaches that the advertising server controls the time and location of advertisements being displayed. (Detailed Description, Col 6, lines 30-37).

Meyers et al. does not explicitly teach that the operator can control the schedule of advertisements on the advertisement server. Cabral teaches of a system whereby individuals can control the schedule of the display units, inter alia. (Summary of the Invention, [0009], [0010]). Therefore, it would have been obvious to one of ordinary skill, at the time of the invention, to give the operator control over the schedule of advertisements being displayed. One would have been motivated to do so in order to give more control to the operator over the display unit.

17. Regarding claim 13 and 14, applicant teaches of a software interface for advertisers, operators, and customers. Meyers et al. teaches of a interface between the system and the customer. (Summary, Col 2, lines 48-55; Col 4, lines 28-67). Meyers et al. teaches that advertisers and operators can access the system, however, does not explicitly teach of an interface for an advertiser or operator. Cabral teaches of an interface for advertisers and operators. (Summary of the Invention, [0009]-[0011]). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to provide a software interface to the system for advertisers and operators. One would have been motivated to do so in order to give advertisers and operators flexible control over scheduling, payment, and maintenance of the display.

18. **Claims 3-5, 9-11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyers et al. (US 7,062,469 B2) in view of Miller et al. (US 6,844,893). Miller et al. teaches a system consisting of video-conferencing, Internet browsing, merchandising, etc. (Summary of the Invention).**

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19. Regarding claims 3, 5, 9, 11, and 15, applicant teaches of providing a video conferencing interface to allow interface between locations. Meyers et al. teaches that the system is used in a public place; such as a coffee shop, bar, book store, franchise chain, etc. (Background, Fig 4).

Meyers et al. does not explicitly teach of a video conferencing interface between locations. Miller et al. teaches of a system for video-conferencing between different restaurants that uses a video camera. (Summary of the Invention, Col 1, lines 43-50; Col 2, lines 13-20). Miller et al. teaches that this system is an improvement on the current system and gives the example of restaurants, Internet café's and electronic gaming ventures. (Background Art). Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the invention, to implement a video conferencing interface in Meyer et al.'s system for customers between locations. One would have been motivated to do so in order to allow customers to communicate between stores.

20. Regarding claims 4 and 5, applicant teaches of providing market data for purchase and delivery to the media buyer. Meyers et al. teaches of collecting demographic and other data from the user (Summary, Col 2, Line 39-43) and providing that data to the advertising server. (Detailed Description, Col 7, lines 1-21).

Meyers et al. does not explicitly teach of providing this data to the advertiser, however, OFFICIAL NOTICE is taken that it is common and well known to provide advertisers with customer data. For example, when a company runs an ad on a television network, the company receives data from the television network. That data informs the company of the type of audience that is viewing (age, gender, etc.), size of

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the audience, economic background, etc. Another example is Information Resources (IRI) data which is a compilation of store data that is provided to manufacturers, advertisers, and other groups in order to determine what the end user is buying, market share, market penetration, etc. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to sell and deliver user data to the advertiser. One would have been motivated to so in order to provide the advertiser with data so that they could determine the effect of the advertisements, target audience, etc.

21. Regarding claim 10, applicant teaches of splitting the display screen to show media content, advertising, and web-cam views. Meyers et al. teaches of displaying content and advertisements on a display. (Summary of the Invention).

Meyers et al. does not explicitly teach of dividing the screen to show different content. Miller et al. teaches of the display device being used to browse the Internet, shop for goods, watch television, etc. (Summary of the Invention, Col 1, Lines 50-65). Miller et al. teaches of picture in picture in order to "multi-task". (Col 5, Line 30). Picture in picture is a well-known method for displaying two different media's on one screen; where the screen is divided to show both media's. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to divide the screen in order to display different content. One would have been motivated to so in order to in order to display media and advertisements at the same time.

22. **Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyers et al. (US 7,062,469 B2) in view of Cabral (US 2003/0149601 A1) in view of Miller et al. (US 6,844,893).**

23. Regarding claim 16, applicant teaches of a video camera, video conferencing, operator control, and splitting of the screens. These elements have been discussed earlier and apply together here. See ¶ 19 above for the video camera. See ¶ 19 above for video conferencing. See ¶ 16 above for operator control. See ¶ 21 above for splitting of screens.

24. Regarding claim 17, applicant teaches of a software control system for media-buyers, operators, and customers. These elements have been discussed earlier and apply here. See ¶ 17 above.

25. Regarding claim 18, applicant teaches of a software to interface with the customers electronic device. See ¶ 17 above.

26. Regarding claim 19, applicant teaches of a video-conferencing software. See ¶ 19 above.

Examiner's Note: Examiner has cited particular columns, line numbers, and paragraphs in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing responses, fully consider each of the references in its entirety as potentially teaching all

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or part of the claimed invention, as well as the context of the passage as taught by the prior art disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Palani P. Rathinasamy whose telephone number is (571) 272-5906. The examiner can normally be reached on M-F 8:30-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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PRIMARY EXAMINER